

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/9/16

-----X
CRESCENT AFRICA (GHANA) LTD.,

Plaintiff,

- against -

12 Civ. 8583 (RWS)

OPINION

ECOBANK NIGERIA PLC.,

Defendant.
-----X

A P P E A R A N C E S:

PLAINTIFF AND COUNTER DEFENDANT PRO SE

CRESCENT AFRICA GHANA LTD.

ATTORNEYS FOR DEFENDANTS AND COUNTER CLAIMANTS

PHILLIPS NIZER LLP
666 5th Avenue
New York, NY 10103
By: John S. Brooks, Esq.
Chryssa V. Valleta, Esq.

Sweet, D.J.

Defendant and Counter Claimant Ecobank Nigeria PLC ("Defendant" or "Ecobank") moved for summary judgment and costs and fees against Plaintiff Crescent Africa (Ghana) Ltd. ("Plaintiff" or "Crescent"). Oral argument was held and the motion deemed fully submitted on March 17, 2016. Crescent failed to appear or oppose the motion. Judgment was entered against Crescent granting Ecobank all relief sought in its motion on March 21, 2016. Ecobank was directed to submit a proposed judgment to the Court in the amount of its requested recovery. Ecobank did so, filing a proposed judgment seeking costs, fees, disbursements, and damages on March 28, 2016. On March 29, 2016, the proposed judgment was denied as follows:

No authority having been submitted requiring a shift in the burden of fees and in the absence of an adjudication on the merits regarding Defendant's counterclaims, the Court declines to impose the requested amount in the form of sanctions on Defendant.

ECF No. 55.

Defendant submitted a second proposed judgment on May 4, 2016, requesting recovery in the amount of \$2,825,443.57, broken down as follows: \$87,581.05 in costs and fees incurred in


defending against Crescent's First and Second Causes of Action; and \$2,737,753.52 in damages resulting from attachment of its funds. Crescent also requested prejudgment interest on the damages figure, calculated at 8.12% from May 7, 2014 to the date of judgment.

This case concerns a maritime attachment of Ecobank's funds in the amount of \$18,044,928.12 based on alleged rulings in an Accra, Ghana court. Ecobank alleges that attachment was erroneous and based on a misrepresentation of the rulings in the Ghana action. On May 2, 2014, this Court entered an order vacating the maritime attachment in its entirety and nunc pro tunc as of April 4, 2014, dismissing Crescent's complaint without prejudice.

Having represented to the Court that the \$102,532.30 amount reflects fees and costs for Philip Nizer's services rendered in this action, Defendant is granted these fees and costs. Defendant is also granted interest on the attached amount, calculated at \$2,637,128.51. In sum, Defendant is awarded \$2,739,660.81. Defendant's other requests for recovery are denied.

It is so ordered.

New York, NY
May 9, 2016



ROBERT W. SWEET
U.S.D.J.